

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL EDWARD MUEHLEMANN, et al.,)	Case No.: 1:23-cv-0728 JLT EPG
)	
Plaintiffs,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS AND DISMISSING
v.)	THE ACTION WITHOUT PREJUDICE
)	
ADVENTIST HEALTH HANFORD,)	(Doc. 4)
)	
Defendant.)	
)	

Michael Edward Muehleman and Lavonda Louise Ireland, proceeding *pro se*, filed this lawsuit. (Doc. 1.) Plaintiffs filed a single application to proceed in forma pauperis. (Doc. 2.) The assigned magistrate judge found the application was flawed, because it contained only Muehleman’s financial information, and this information conflicted with an application that Plaintiff Muehleman filed the same day in a separate case, Case No. 1:23-cv-00725-JLT-BAM. (Doc. 3 at 1.) Therefore, the magistrate judge directed Plaintiffs to file separate IFP applications and clarify the discrepancies no later than June 12, 2023. (*Id.* at 2.) The Court informed Plaintiffs that, in the alternative, they may pay the filing fee by the ordered deadline. (*Id.*) The Court also advised them that “[f]ailure to comply with [the] order may result in the dismissal of this action.” (*Id.* at 3.)

After the deadline passed, the magistrate judge observed that Plaintiffs had not filed separate motions to proceed IFP or paid the filing fee as ordered. (Doc. 4.) The magistrate judge recommended the action “be dismissed, without prejudice, based on Plaintiffs’ failure to pay the filing

1 fee pursuant to 28 U.S.C. § 1914 or to file an application to proceed *in forma pauperis* pursuant to 28
2 U.S.C. § 1915.” (*Id.* at 2.)

3 The Findings and Recommendations were served on Plaintiffs, and it notified them that any
4 objections were due within 14 days of the date of service. (Doc. 4 at 2.) In addition, the Court
5 informed them that the “failure to file objections within the specified time may result in the waiver of
6 rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014), *Baxter v.*
7 *Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) Plaintiffs did not file objections and the time to do so
8 has passed.

9 According to 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court conducted a *de novo*
10 review of this case. Having carefully reviewed the entire file, the Court concludes the Findings and
11 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 12 1. The Findings and Recommendations issued June 30, 2023 (Doc. 4), are **ADOPTED** in
13 full.
- 14 2. This case is **DISMISSED** without prejudice.
- 15 3. The Clerk of Court is directed to terminate any pending motions and close this case.

16
17 IT IS SO ORDERED.

18 Dated: **August 20, 2023**


UNITED STATES DISTRICT JUDGE